

Saugus Board of Selectmen  
January 7, 2014

\*\*\*\*\*MEETING MINUTES\*\*\*\*\*

AGENDA

Saugus Board of Selectmen  
January 7, 2014 at 7:30 PM  
Town Hall Auditorium  
298 Central Street

Call to order.

Invited Guests: 0

Approval of minutes: November 26, 2013; & December 10, 2013

Correspondence:

- 1.) Ms. Cerbone re: request for banner announcing "Scott Procopio Road Race".
- 2.) Youth Soccer re: request for banner announcing "Spring Registration".
- 3.) Ms. Defarias re: parking issues on Summer Drive.
- 4.) 2014 License renewals.
- 5.) Board of Selectmen FY15 draft department budget.

Citizen Comment Period

Continued Hearings:

- Home Town Pizza (continued from: 10/22/13; 11/12/13; 11/26/13 & to the call of the Chair.)
- Show Cause: Chapman's Auto Body; Burger King; Qdoba; and Victor's.  
(from 11/26; 12/3/13; & 12/10/13)

Public Hearings:

7:45 PM Prince Italian Foods Saugus, Inc. d/b/a Prince Restaurant, 517 Broadway, Steven Castraberti, manager, for transfer of stock and for new stockholders.

7:55 PM Pro Collision Center, Inc. 233 Hamilton Street, Sulyvan Neves, owner for transfer of Class II Auto Dealer's License FROM: Pro Collision Center, Inc., 233 Hamilton Street, Ralph Severino.

8:00 PM Ziad Hamdan, owner, with office at 252 Kennedy Dr., Malden, proposed business name: Global Transportation, Inc., to operate a taxi cab business in the Town of Saugus and License for five taxi cabs.

Old Business

- Ambulance Contract / OIG report.
- Follow up on requested Information.
- Emergency Management update.
- Elm Street Bridge update.
- Board meetings dates and times.
- Eustis Street update.

New Business

- Manager's evaluation process & criteria.
- Bucchiere Park update.

Town Manager's Report

- Request for a Special Town Meeting for Monday, January 27, 2014.
- Board of Health appointments
- Elm Street Bridge

Member's Comment Period

Citizen Comment Period

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The Saugus Board of Selectmen met on January 7, 2014 at 7:30 PM in the Town Hall Auditorium, 298 Central Street. Present were: Selectmen Paul Allan, Stephen Castinetti, Maureen Dever, Debra Panetta and the Chairman Ellen Faiella. The Town Manager Scott Crabtree was also present.

The Board held a moment of silence for Elaine Espindle, former School Committee Member and offered sympathies to her family.

Invited Guests: No invited guests this evening.

Approval of minutes: November 26, 2013; & December 10, 2013

Mr. Castinetti moved to approve the November 26, 2013 minutes. Chair seconds 5-0.

Ms. Panetta moved to approve the December 10, 2013 minutes. Ms. Dever offered an amendment with no objection. Chair seconds 5-0.

Correspondence:

1.) Ms. Cerbone re: request for banner announcing "Scott Procopio Road Race".

Ms. Panetta noted this request has been approved in the past for the same time frame.

Ms. Panetta moved to approve banner announcing "Scott Procopio Road Race" on Main Street at Vine Street from May 5<sup>th</sup> to May 26<sup>th</sup> 2014. Chair seconds 5-0.

2.) Youth Soccer re: request for banner announcing "Spring Registration".

Mr. Castinetti moved to approve banner announcing "Youth Soccer Spring Registration" on Essex Street at School Street from February 20<sup>th</sup> to March 20<sup>th</sup>, 2014. Chair seconds 5-0.

The Chair requested the Show Cause Hearing be taken out of order.

Ms. Panetta moved to take the Show Cause continued hearing out of order. Chair seconds 5-0.

Continued Hearings:

- Show Cause: Chapman's Auto Body; Burger King; Qdoba; and Victor's.

(from 11/26; 12/3/13; & 12/10/13)

**-Continued "Show Cause" Hearing on:** Chapman Auto Body, Inc. d/b/a Chapman Auto, 16 Rear Hamilton Street -Property owner: SOR & S Realty Trust, 16 Hamilton St.; Burger King Corporation, d/b/a Burger King, 720 Broadway -Property owner: S One Realty Trust, Lynnfield MA; ZRC Operations Company d/b/a Qdoba Mexican Grill, 366 Broadway; -Property owner: Shops at Saugus, LLC, San Antonio TX; Victor Grillo d/b/a Victor's Italian Cuisine, 1539 Broadway; -Property owner: Two Amici Realty, LLC, Malden MA To deny, revoke or suspend all licenses and permits held for failure of the property owner and / or tenant listed above to pay municipal taxes / fees owed for more than 12 months. (from: 11/26/13; 12/3; 12/10)

Ms. Dever moved to continue the hearing on Chapman Auto Body. Chair seconds 5-0.

Ms. Dever moved the Board vote to take no action on Burger King and Victor's based on the fact they have paid and are up to date on payments. Chair seconds 5-0.

Ms. Dever moved to deny Qdoba based on the fact of nonpayment and are more than 12 months in arrears. Chair seconds 5-0.

Correspondence, continued

4.) 2014 License renewals.

Mr. Castinetti said the Board did vote on December 10<sup>th</sup> that they would renew any complete renewal application received by December 31<sup>st</sup> at this meeting.

Mr. Castinetti moved to renew the following licenses for 2014 with the same conditions / restrictions:

Victor's, 1539 Broadway: Common Victualer's & Entertainment

Yo Passion, 1201 Broadway: Common Victualer's & Entertainment

CVS, 1075 Broadway: Extended Hours of Operation Permit

Panera Bread, 647 Broadway: Common Victualer's

Gamestop, 1201 Broadway: Valuable / Used Goods

Gamestop, 741 Broadway: Valuable / Used Goods

Best Buy, 1201 Broadway: Valuable / Used Goods

Taco Bell, 421 Broadway: Common Victualer's

Fat Fingers, 343 Main St.: Common Vic., Entertainment & Juke Box

Center Convenience, 307 Central St.: Extended Hours of Operation Permit

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Chair seconds 5-0.

Mr. Castinetti moved to renew the following establishments that were granted Licenses / Permits but were not issued in 2013 because they were not open for operation to be issued in 2014:

Auto Excellence Group, 173 Main St. Class II Auto Dealer's License

Little Children's School House, 31 Osprey Rd. Common Victualer's & Entertainment

Chair seconds 5-0.

Correspondence, continued

3.) Ms. Defarias re: parking issues on Summer Drive.

Sgt. Paul VanSteensburg was present and explained based solely on the site survey, the Police Dept. does not recommend a handicapped spot and said he is not sure if the request is the cause or result of a neighbor dispute, but the police dept. has been monitoring and noted there is plenty of parking in their driveways to accommodate the vehicles and would be the safest option for the handicapped individual. The Chair noted Ms. DeFarias was not present. Ms. Dever said she looked at the area and found it to be a narrow street and it appears there is adequate parking in the driveways and asked what options they have. Sgt. said he has personally monitored the street and will continue to monitor, but it is limited in what he can do and said he has issued warnings and said there is an on-street parking ban during snow emergencies and there is an overnight parking ban between 2am and 6am year round that the police choose not to enforce because they are sensitive to parking limitations, but do enforce if neighborhood complaints and said the police will continue to monitor and hope to mediate. Ms. Dever thanked him and said she has concern with emergency vehicles being able to respond. Sgt. said he encourages anyone on the street to call the police business line if they see cars parking that impede traffic. Mr. Allan said he would like more information noting neighbors present. The Chair asked if he wanted to take Citizen Comment Period out of order.

Ms. Panetta moved to table the correspondence. Chair seconds 5-0.

Ms. Panetta moved to take Citizen Comment out of order. Chair seconds 5-0.

Citizen Comment Period

Jeff Plouffe, 15 Summer Drive, said he was ticketed and did speak with his neighbor and the conversation escalated and police were called and said his truck has been in his driveway and said in his opinion it is not unsafe.

Ann Dominick, 9 Summer Drive, said she never had a problem parking and feel the people are being difficult.

Mr. Castinetti moved to take correspondence #3 off the table. Chair seconds 5-0.

Correspondence, continued

3.) Ms. Defarias re: parking issues on Summer Drive - Continued

Mr. Castinetti moved to support the police recommendation to not install handicapped sign based on report submitted. Chair seconds. Ms. Dever speaking on the motion said based on police recommendation she will support the motion with assurance the police will keep this in the forefront. Ms. Panetta speaking on the motion agreed and thanked the Sgt. and said she hopes the neighbors will work together and supports the motion. Mr. Castinetti speaking on the motion said this is not the first time a neighborhood dispute over parking has come to the Board and said he hopes the neighbors do their best to get along. Vote 5-0.

5.) Board of Selectmen FY15 draft department budget.

The Chair asked the Manager if he had any comment. The Manager said he did not review it. Ms. Dever thanked the Manager for providing the guiding principles and said departments are being asked to level fund while the guidance principles asks for the budget to be driven by "service" and would create a challenge. The Chair noted the Association Dues, and attending training needs to be adjusted and asked if the educational money he is proposing would be a pool of money or separate. The Manager said separate in each budget. Ms. Panetta suggested they table the budget for more information.

Ms. Panetta moved to table. Chair seconds 5-0.

Continued Hearings:

- Home Town Pizza (continued from: 10/22/13; 11/12/13; 11/26/13 & to the call of the Chair.)

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Ms. Panetta moved to continue. Chair seconds 5-0.

Mr. Castinetti asked what we are waiting for. The Chair said this will be coming up under “old business” as it was a request to the Town Manager. The Manager said he is not able to identify an individual with the expertise to answer their questions. The Chair said the purpose to continue the hearing, if there are options available, and what other avenues they can explore. Mr. Allan suggested Lynn Water & Sewer. The Manager said it would be difficult to get someone to give them advice. Ms. Dever said the Health Agent has peers in other communities and hope he would reach out to them to see what other communities are doing and said this issue needs a resolution. Mr. Castinetti said one issue that stood out was the fact the regulations do not require an external grease trap, but an “external type” and rather than prolong this and if businesses are willing to install on the premises, he is ready to approve installation of external type grease traps. The Chair said the health dept. hands are tied, but the Board can’t wait much longer and asked the Manager to reach out to any / all he can think of and have info no later than February 1<sup>st</sup>. The Manager asked for clarification on what they want and who they want at a meeting. The Chair explained he is to have anyone that can educate the Board and advice on regulations and to identify someone that can do that. The Manager said the Plumbing Inspector spoke to the State Plumbing Inspector and said he could probably get someone that could give a scientific analysis. The Chair said this meeting will be a separate meeting from the Board’s regular business meeting and said someone to give scientific analysis would be fine but not a salesman. Ms. Dever said the regulations are a 1980’s document and there has been new technologies and said other communities use or have approved and suggested he speak with them. The Manager asked if she does not want an engineer. Ms. Dever said she wants as much information as possible. Mr. Allan said he wants to make sure any alternative meets the requirements. Ms. Dever said she prefers not to grant waivers, but is looking for affordable options. Mr. Castinetti asked if they are happy with the trap outside what’s the problem with it being installed inside. The Chair said when the Health Agent came he said his hands were tied and the regulations require an external trap. Mr. Castinetti said to be clear, the regulations don’t say that, it states “of external type” and he asked the Health Agent what the difference was and he stated none. The Chair said they need to know if it would be acceptable under the consent order. Mr. Allan said they were also concerned with enforcement. Ms. Panetta said she is not in favor of granting waivers unless under certain circumstances because of the Consent Order that is costing the taxpayers around \$27 million, however she is concerned with businesses not being able to be successful and want businesses to be successful, but if there are alternatives allowed they must not put FOG into the sewer system and said she is open to listen if it is as good or better than an external trap. The Chair said to the Manager he knows the wishes of the Board and asked he get information as soon as possible. The Manager said if they find an acceptable alternative the regulations would need to be changed and that will take longer than Feb. 1<sup>st</sup>. The Chair said Feb. 1<sup>st</sup> is the target date of scheduling an educational meeting to take place by.

Public Hearings:

7:45 PM Prince Italian Foods Saugus, Inc. d/b/a Prince Restaurant, 517 Broadway, Steven Castraberti, manager, for transfer of stock and for new stockholders.

Steven Castraberti was present and explained request and said they are taking on a minority shareholder to help continue growing the business. Ms. Dever complimented him on a complete application.

Any in favor or in opposition? None

Ms. Dever moved to close the hearing. Chair seconds 5-0.

Ms. Dever moved to grant the request of Prince Italian Foods Saugus, Inc. d/b/a Prince Restaurant, 517 Broadway, Steven Castraberti, manager, for transfer of stock and for new stockholders based on the information presented. Chair seconds 5-0.

7:55 PM Pro Collision Center, Inc. 233 Hamilton Street, Sulyvan Neves, owner for transfer of Class II Auto Dealer’s License FROM: Pro Collision Center, Inc., 233 Hamilton Street, Ralph Severino.

Sulyvan Neves, Howard St., Malden was present and explained his experience. The Chair asked if the Fire Dept. issues have been addressed. Mr. Neves said he will. Mr. Castinetti suggested he speak

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with the Fire Dept. Ms. Dever said she had the opportunity to visit and the current license has restriction of no more than 10 vehicles and no storage of junk vehicles. Mr. Neves said the other side is a different business and said he will talk to the owner. Ms. Dever asked about the tires out front. Mr. Neves said he has already started cleaning up and has painted. Ms. Panetta asked if hours of operation will be the same and the business will be the same. Mr. Neves said yes.

Any in favor or in opposition? Mario Barros, 234 Hamilton Street said he lives across the street and doesn't want to look at a mess.

Mr. Castinetti moved to close the hearing. Chair seconds 5-0.

Mr. Castinetti moved to grant the request of Pro Collision Center, Inc. 233 Hamilton Street, Sulyvan Neves, owner for transfer of Class II Auto Dealer's License FROM: Pro Collision Center, Inc., 233 Hamilton Street, Ralph Severino, with same conditions. The Chair added: with condition they must meet the requirements of the Fire Dept. Chair seconds. Ms. Dever speaking on the motion said she is happy to support the motion and wished him the best, but urged him to have the tires and debris removed. Vote 5-0.

8:00 PM Ziad Hamdan, owner, with office at 252 Kennedy Dr., Malden, proposed business name: Global Transportation, Inc., to operate a taxi cab business in the Town of Saugus and License for five taxi cabs.

Ziad Hamden, Kennedy Dr., Malden was present and gave his experience. Mr. Allan said he has concern with giving 5 if he will only have 1 on the road. Mr. Hamdan said he wants to start with one or two and wants to add if business is good. Mr. Allan said he can come back to the Board for additional cabs. Mr. Hamden said he will need to go through this whole process again. Ms. Panetta said he will be operating out of Malden and noted the Town has 4 cabs on the road and licenses for 10 cabs and said she doesn't have a problem with the cab company but would be more comfortable with 2 and he can come back for more. Ms. Dever asked if he was given copy of the taxi By-Law. Mr. Hamden said yes. Ms. Dever said she will support no more than 2 at this time.

Any in favor or in opposition? Katrina Haddadi, 961 Broadway said she works for Saugus Center Taxi and the Town has 3 or 4 companies now and adding another taxi company will affect them. Ms. Panetta said they have a License for 5 cabs but only have 2. Ms. Haddadi said it is slow.

Ms. Dever moved to close the hearing. Chair seconds 5-0.

Ms. Dever moved to grant the request of Ziad Hamdan, owner, with office at 252 Kennedy Dr., Malden, proposed business name: Global Transportation, Inc., to operate a taxi cab business in the Town of Saugus and License for two taxi cabs. Chair seconds 5-0.

### Old Business

-Ambulance Contract / OIG report.

The Chair said OIG Report has been removed from the agenda on advice from Town Counsel along with the Manager's evaluation process & criteria (listed under "New Business")

Ms. Dever asked in reviewing the contract that was signed on Nov. 27<sup>th</sup>, defined use of the property that the Charter states leasing of property comes to the Selectmen, but the agreement does not reflect approval is needed and read section of the Charter and said nowhere in the contract is there a monetary for lease. The Manager said a contract would not site the Charter and suggested she put her question to Town Counsel. Ms. Dever said the Charter is clear and said they had a conversation at the November 26<sup>th</sup> meeting, the document was signed on November 27<sup>th</sup>, no lease has been approved by the Board, it's a 5 year contract and asked if he is saying that prior to 180 days a lease document will be presented. The Manager said that is correct and said they are now putting money into building improvements. Ms. Dever asked about the gas break in December, and if their insurance will cover. The Manager said they are held responsible and no cost to the Town.

-Follow up on requested Information.

The Chair said there were several requests for information and requested update on the request to receive budget to actuals. The Manager said the system they have, inability to pull information out and

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explained. The Chair said she had a conversation with the Manager regarding requests for information and employees feeling stressed by the amount of information requested and said the Board has received some and asked the Manager let the employees know the Board appreciates all they do.

The Chair said the request for list of new hires was provided to the Board this afternoon. The Manager said regarding the accounting system, that the staff has been in implementation meetings. The Chair said the requests were from a while ago and could be done a little at a time.

The Chair said the Board requested deed restriction on Weylu's property. The Manager said he will follow up with Town Counsel. The Chair asked where they are with Eustis Street. The Manager said he has some cost estimates and said the Revere & Saugus Economic Development Coordinators are setting up a meeting with the developer and said there are no plans he is aware of moving forward. Ms. Dever asked if they could get update by February 1<sup>st</sup> and if there's a meeting arranged, to provide information on attendees and maybe a Board Member can attend.

The Chair asked about the Anti-Bullying Policy information he was requested to look into. The Manager said he forwarded it to Town Counsel and his initial thoughts were there is not a lot of strong support and doesn't recommend changes at this time. The Chair said a lot of corporations have policies and it does not have to be that policy, but to be used as a template and noted the school side must have one by law and corporations have them for protection. Ms. Dever asked if the sample went to Town Counsel or other counsel. The Manager said both Town Counsel and labor counsel. Ms. Dever noted there are several samples on MMA website and asked he provide update by February 1<sup>st</sup>.

-Emergency Management update.

The Manager said they are at public safety building and using the meeting room. Ms. Dever asked about heat at cemetery garage. The Manager said there should be no volunteers working on equipment from a liability standpoint. Ms. Dever asked if they have a budget. The Manager said he has discussed this with the Director and are trying to professionalize the dept.

Ms. Panetta asked about Munis system and timeline for implementation. The Manager said budget to actuals will be ready for 6 month review, 1<sup>st</sup> week of February and the audit will be complete and said Munis is on schedule with implementation target date of July 1<sup>st</sup> for financials and payroll October 1<sup>st</sup> and then different modules will be introduced to different depts.

Ms. Dever said there was request for current budget. The Manager said he provided that.  
-Elm Street Bridge update.

The Chair noted this is under "Manager's Report".  
-Board meetings dates and times.

Mr. Castinetti said a couple of meetings ago it was suggested to move their meeting time to 7:00 and said it appears they are the only Board that meets after 7:00.

Mr. Castinetti moved to change the Board's meeting time to 7:00 PM on regular meeting nights. Ms. Panetta said she made it clear she is unable to meet earlier and will be late to those meetings and said it is difficult getting here on time and noted Town Meeting starts at 7:30 also and said she clearly not in favor of changing the meeting time. The Chair said she worked in Cambridge for many years, and said when the Board starts late they are here late including the public and is trying to be respectful when she is able to attend other scheduled events earlier and said it is 2 evenings a month. Ms. Panetta explained her Tuesday work schedule she has no control to change and said if any Board Member couldn't, she wouldn't vote for it.

Chair seconds 4-1 with Ms. Panetta voting in opposition.

The Chair said they will start in February and see how it works out.  
-Eustis Street update.

(see above)

New Business

-Manager's evaluation process & criteria.  
(see above)

-Bucchiere Park update.

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The Manager said it is in design and explained and said it is scheduled for spring to start construction. Ms. Dever asked dollar amount. The Manager said \$100,000. Ms. Dever asked about drainage. The Manager said the engineers looked at it and said the field has half decent drainage and it has been suggested to use worn area for parking. Ms. Dever asked about pump station. The Manager said he will ask DPW and said the Director is looking at all stations. Ms. Dever asked if playground equipment will be handicapped accessible. The Manager said it will be ADA compliant.

Town Manager's Report

-Request for a Special Town Meeting for Monday, January 27, 2014.

The Manager said moving forward he is trying to stabilize our finances and request the Board call a Special Town Meeting on January 27<sup>th</sup> and said the first Article he proposes is to put \$1 million into stabilization fund and went over other Articles re: elections; town clerk; CIP services; and building maintenance.

Ms. Panetta moved the Board vote to call a Special Town Meeting on January 27, 2014. Chair seconds 5-0.

Ms. Panetta moved to insert the Town Manager's Articles into the January 27, 2014 Special Town Meeting Warrant. Chair seconds 5-0.

Ms. Panetta moved to close the Special Town Meeting Warrant. Chair seconds 5-0.

-Board of Health appointments

The Manager recommended the appointment of William Heffernan and Daniel Zeitz to the Board of Health. Ms. Dever said it is exciting to see new individuals and asked the Manager why he feels they will an asset to the Board. The Manager said their backgrounds bring different perspectives.

Ms. Panetta moved to confirm the appointments of William Heffernan and Daniel Zeitz to the Board of Health to expire December 2016. Chair seconds.

Roll call vote: Mr. Allan, yes; Mr. Castinetti, yes; Ms. Dever, yes; Ms. Panetta, yes; Ms. Faiella, yes.

-Elm Street Bridge

The Manager said he submitted requested information and said they need to make decision by next meeting. Ms. Dever asked about a Town wide drainage study. The Manager said he had conversation regarding a storm drainage assessment and noted there is no money in the budget for the infrastructure and it would be a huge expense. Ms. Dever noted there is no drainage study, they have no hydrology study, and they have no traffic study. Ms. Panetta said when asked the Board was told it would cost too much and take too long and said the Board is to make a decision without information needed.

The Chair asked the Manager develop a schedule and submit a summery each week on updates and what has taken place that week, etc.

Member's Comment Period

Mr. Allan: Mr. Allan said Friday he went to DPW and got to look at the operations and was impressed with the folks there and said he has concern with the sidewalk plow that was in for repairs and they have 2 trucks out of service and asked the Manager to follow up on that. The Manager said the new DPW Director is looking at the needs and putting an equipment list together. Mr. Allan asked if moving forward there will be a maintenance plan to replace equipment. The Manager said yes and it will have a long term benefit.

Mr. Allan asked the Manager to give update on Casino meeting. The Manager said they met with officials and discussions were positive.

Ms. Dever: Ms. Dever requested update on November 18<sup>th</sup> Town Meeting appropriation to hire 4 DPW. The Manager said the DPW Director is updating job descriptions and will be posting. The Manager said he is proud of DPW workers, building maintenance and custodial and said they did a great job and commended them. Ms. Dever said most of the calls she received were about trash being picked-up.

Ms. Dever asked the Manager to have Inspectional Services look at 60 Salem Turnpike. The Manager said the new code enforcement officer is in process of sending letters on all abandoned property issues. Ms. Dever said it appears there is a business there and it's hard to believe the environmental police have not taken notice.

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Ms. Dever said from the previous discussion on 233 Hamilton Street there is a business there not licensed and asked it be looked into.

Ms. Dever said in previous years the Board has met with their State Delegates and asked he talk with depts. To see what we might target to request from the State. The Manager said he will work on a list. Ms. Dever said many young families talk about playgrounds.

Ms. Panetta: Ms. Panetta said in their packets, but not on the agenda was two bridge reports and asked if there's anything they need to do to be proactive. The Manager said he will find out.

Ms. Panetta thanked the Chair for mentioning the passing of Elaine Espindle and offered condolences to her family and Bob Sacco's family a former teacher and cartoonist.

Mr. Castinetti: Nothing this evening.

Citizen Comment Period

Jason Flynn, 75 Essex Street, Emergency Management volunteer for 13 years described different emergencies, events and disasters Emergency Management assisted in and said he doesn't feel they are being taken seriously and doesn't feel they are being treated right.

The Chair said the Board does have rules on length of comments. Mr. Castinetti moved to allow more time.

Mr. Flynn said some have resigned and at the end of the week he will be giving his resignation also. Ms. Dever said it is clear you love what you do and asked the Town Manager to find a workable solution. The Chair said they do have Mr. White on next agenda.

Jean Bartolo, TMMP6 and Emergency Management volunteer said Mr. Flynn spoke the truth and said she does not feel volunteers are a liability. Mr. Castinetti commended both for standing up and said he hopes they stay.

Ms. Dever moved to adjourn. Chair seconds 5-0.

Meeting adjourned at 10:36PM.

Respectfully submitted,

Wendy Reed, Clerk